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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/825,180 | 04/16/2004 | Kiyoshi Mizuki | 723-1504 | 8298 |
| 23117 7590 04/14/2008 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203 | | | | |
| EXAMINER | | | | |
| LEIVA, FRANK M | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3714 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 04/14/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,180

Applicant(s)

MIZUKI ET AL.

Examiner

FRANK M. LEIVA

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-893)
Paper No(s)/Mail Date 04/16/2004
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 17 April 2003. It is noted, however, that applicant has not filed a certified copy of the Japanese application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al (US 6,354,944 B1).**

4. **Regarding claims 1 and 6;** Takahashi discloses:

An image processing apparatus that displays on a display an image in which an operating object appearing in a virtual three-dimensional space is seen from a predetermined viewpoint location, (col. 2:28-32).

An -operation controller operated by a player, (col. 2:43-47, 5:34-35).

A selecting means-mechanism for selecting the operating object appearing in said virtual three-dimensional space, out of a plurality of the operating objects different in size, based on an operation of said operation controller, (col. 13:51-55 and 15:39-54), whereas the viewpoint is dependent to the size of the player character, inherently includes a plurality of sizes and thus a plurality of characters for the player to choose from, and

wherein the picture view of the surroundings are dependent on the manipulation of the character.

A viewpoint-location setting mechanism for setting the viewpoint location in correspondence with said operating object selected by said selecting mechanism, (13:51-55).

An image displaying mechanism for displaying a three-dimensional image including said operating object based on said viewpoint location set by said viewpoint location-setting mechanism, (col. 15:9-12).

5. **Regarding claims 2 and 7;** Takahashi discloses viewpoint-location-data storing locations for storing each viewpoint location data correlated with each of said plurality of the operating objects; wherein said viewpoint-location setting mechanism reads out from said viewpoint-location-data storing locations said viewpoint location data corresponding to said operating object selected by said selecting mechanism to set said viewpoint location, (col. 8:36-39), wherein viewpoint data is previously determined and store to be accessed during the running of the program.

6. **Regarding claims 3 and 8;** Takahashi discloses wherein each of said viewpoint location data is set in such a manner as to be displayed as the operating object approximately the same in size even if any one of the operating objects is selected by said selecting mechanism, (col. 2:18-21 and 8:8-12), wherein the program selects the optimum viewpoint according the player character size, it would be necessary for the system to show all characters approximately the same size as to give all players the same viewing advantage in the playing field, where in a game of limited screen display, a larger character viewed from an avatar point, would cover the screen and make it impossible for the player to view his opponent.

7. **Regarding claims 4 and 9;** Takahashi discloses wherein said viewpoint location data includes distance data from a point-of-regard (point B), said viewpoint-location setting mechanism reads out said distance data corresponding to said operating object selected by said selecting mechanism to set said viewpoint location, (Fig. 6, B1-B3, col. 8:25-39), reference point B and distance D.

8. **Regarding claims 5 and 10;** Takahashi discloses wherein said viewpoint location data includes angle data or height data from the point-of-regard, and said viewpoint-location setting mechanism reads out said angle data or said height data corresponding to said operating object selected by said selecting mechanism to set said viewpoint location, (fig. 4), wherein angle "Alpha" and height "yB" set viewpoint location to be C(xc, yc, zc).

Citation of Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamamoto et al (US 6,424,353 B2) directed to positioning of the virtual camera in relation to character height.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK M. LEIVA whose telephone number is (571)272-2460. The examiner can normally be reached on M-Th 9:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

FML 04/13/2008